

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 04-13
)	
SENATOR CAL KAWAMOTO and)	CONCILIATION AGREEMENT
COMMITTEE TO ELECT CAL)	
KAWAMOTO)	
Respondents.)	
)	
)	
)	

CONCILIATION AGREEMENT

On or around January 24, 2003, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), reviewed a complaint regarding the disclosure reports of Senator Cal Kawamoto ("Kawamoto") and the Committee to Elect Cal Kawamoto ("Committee") or jointly "Respondents" and has investigated this matter.

NOW, THEREFORE, Respondents and the Commission, having entered into conciliation and pursuant to section 11-216(g), Hawaii Revised Statutes ("HRS"), do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have elected to proceed voluntarily with this Agreement and to waive the right to a contested administrative enforcement hearing under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- IV. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding of the substance of this Agreement.

for

- V. The parties agree to the pertinent facts and applicable law as follows:
- (A) The Committee is the candidate committee for State Senator Cal Kawamoto.
 - (B) For the period January 1, 1995 through December 31, 2003 the Committee's amended State of Hawaii Campaign Spending Commission Disclosure Reports reflect: (i) thirty-six unreported campaign contributions totaling \$28,908.07 (which were properly reported in amended reports filed by the Committee); (ii) thirty-four direct contributions to religious organizations for a total of \$2,201.00; (iii) thirty expenditures for personal expenses totaling \$4,133.29 (since reimbursed to the Committee) (iv) one hundred and fourteen contributions towards an automobile vehicle for which the Committee was not the registered owner totaling \$26,461.29 (since reimbursed to the Committee).
 - (C) The violations are of HAR §2-14.1-7; HAR 11-196; HAR 2-14.1-14(b)(1); HAR, Section 2-14.1-15(b); HAR§2-14.1-17(b-d); HRS §11-200, §11-204.
 - (D) Respondents contend that none of the violations were knowing and willful acts to circumvent the applicable provisions of the campaign spending law but acknowledge that the violations did occur.
- VI. As final settlement of the matters and issues in the Conciliation Agreement 04-13, Respondents understand and agree to the following:
- (A) For these violations, Kawamoto shall pay pursuant to section 11-228, HRS, an administrative fine of **Fourteen Thousand Eight Hundred Dollars (\$14,800)** to the Hawaii Election Campaign Fund
 - (B) For these violations, Committee shall pay pursuant to section 11-228, HRS, an administrative fine totaling **Six Thousand Four Hundred Fifty Dollars (\$6,450)** to the Hawaii Election Campaign Fund.
 - (C) Kawamoto is entitled to a credit of \$9,251.55 based upon campaign mileage.

(D) The Parties agree that the Committee, which did not have a certified public accountant reviewing its reports in the past, will retain Mr. Gerald Ushijima (who prepared the amended disclosure reports) or another certified public accountant to review the Committee's future reports.

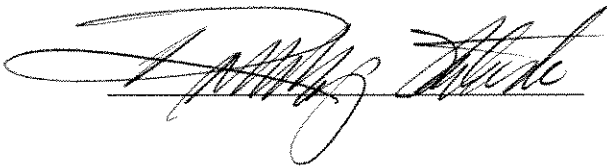
- VII. Payment of the assessment shall be by Order of the Commission.
- VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.
- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Conciliation Agreement constitutes the entire agreement between the Commission and Respondents on the matters raised herein, except that the Commission reserves the right to review the thirty-six unreported contributions totaling \$28,908.07 that were previously unreported to determine whether excess contributions have been received by Respondents. No other statement, promise, or agreement, either in writing or oral, not contained in this Conciliation Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Conciliation Agreement, unless violated, shall be a complete bar to any further action, findings, referrals, or orders by the Commission with

respect to campaign contributions received and disbursed for the periods
referenced in this Conciliation Agreement.

FOR THE COMMISSION:

ROBERT Y. WATADA

Executive Director



8/04/04
Date

BY THE RESPONDENTS:

CAL KAWAMOTO/COMMITTEE TO ELECT CAL KAWAMOTO

By:



(Name/Title)

7/29/04
Date

